

CITY OF DANBURY

DANBURY, CONNECTICUT 06810

DEPARTMENT OF POLICE
375 MAIN STREET

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Captain Daniel Mulvey
Danbury Police Department
375 Main Street
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October 09, 2019

Samuel Sinyangwe
MuckRock News
Dept. MR 77254
411 Highland Avenue
Somerville, MA 02144-2516

Samuel Sinyangwe,


The Danbury Police Department has fulfilled your request, enclosed are the following Use of Force Policies:

- #1. General Order 2500 – Use of Force
- #2. General Order 2510 – Use of Force Appendix B
- #3. General order 2520 - Active Shooter Rapid Deployment
- #4. General Order 2550 – Use of Taser

Also included are two discs. One disc contains five years, 2013 to 2018 of complaints made by citizens against members of our police department.

Second disc, as I informed you in an earlier letter, dated September 04, 2019 five years of use of force records, 2013 to 2018, do not exist due to the fact CT did not require such records kept until 2015.

Sincerely,


Captain Daniel Mulvey
Danbury Police Department
Professional Standards Division

DANBURY POLICE DEPARTMENT

DPD General Order #2500		Subject: Use of Force	
Original Date of Issue:	Amends & Rescinds:	Effective Date:	Next Review Date:
09/01/2003	Reviewed – No Changes 11/14/2017	11/14/2017	11/14/2018

I. **PURPOSE**

The purpose of this policy is to establish guidelines for the lawful and appropriate use of force by Danbury Police Officers.

II. **DISCUSSION**

A police officer's decision to use force in response to resistance, violence or the threat of violence is one of the most important decisions that an officer will make. A decision concerning when, which type, and how much force is to be used is complicated. These types of decisions are very often made in fractions of a second. Proper training in this area is critical and each year, through in-service courses and qualifications, the knowledge, skills and techniques that an officer needs to be safe and to protect the public are taught or reinforced.

The Department has a duty and an obligation to provide the training and tools officers need in this area, because police officers are the only governmental employees empowered to use lawful force. The Department has a responsibility to carefully monitor and review each use of force to ensure that the force was within the parameters of policy and law, and to ensure that lessons learned from real experiences are included in training. As an officer, you have a responsibility to maintain your proficiency and skills in using force and in proper arrest and control techniques. Your level of physical fitness, your command presence, and your ability to think and plan tactically as you respond to calls can be critical in ensuring your safety and the safety of other officers and the public. Supervisors have an important responsibility in reviewing use of force situations and in correcting and coaching officers in this area.

III. **POLICY**

This policy establishes guidelines for sworn personnel concerning their use of force that reflects the standards of both the Department and the professional law enforcement community, as well as established state and federal judicial standards. Danbury Police Officers derive their specific legal authority to use force from Connecticut General Statutes 53a-18, 53a-19, and 53a-22. The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. (See *Graham v. Connor*, 490 U.S. 386 (1989)). *Graham* states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation". The test of reasonableness is not capable of precise definition or mechanical application. The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department

examines all uses of force using this standard.

IV. **DEFINITIONS**

- A. Active Resistance: any physical act, or failure to act, undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.
- B. Deadly Physical Force –physical force which can be reasonably expected to cause death or serious physical injury.
- C. Immediate - acting or being without the intervention of another object, cause, or agency.
- D. Imminent - near at hand; impending; on the point of happening
- E. Passive Resistance: The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.
- F. Physical Injury - means impairment of physical condition or pain.
- G. Physical Force - A use of force which is not likely to cause death or serious physical injury.
- H. Reasonable Belief – A reasonable belief is when an officer reaches a conclusion upon being presented with facts and circumstances which would cause a reasonable and prudent officer to reach a similar decision.
- I. Serious Physical Injury - means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.
- J. Touching, Restraining, Escorting - the use of light pressure to guide a person or keep a person in place.
- K. Individual Protective Device (IPD) – is the term used to describe a canister of OC spray, of a brand approved by the Department, which is no more than 3 oz. in size.
- L. De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.

V. **PROCEDURES**

- A. As a subject changes his/her resistance level, an officer should evaluate and if necessary change the level of his/her response until the resistance ceases or is overcome and the officer is able to gain control of the subject. Physical force shall be de-escalated immediately as resistance decreases. When feasible a verbal warning should be issued prior to the use of force, unless exigent circumstances exist that would make it imprudent to do so.
- B. The Department examines reasonableness using *Graham* and from the articulated facts from the perspective of a Danbury Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include but are not limited to:
 - The seriousness of the crime or suspected offense;
 - The level of threat or resistance presented by the subject;
 - Whether the subject was posing an imminent threat to officers or a danger to the community;
 - The potential for injury to citizens, officers or subjects;
 - The risk or apparent attempt by the subject to escape;
 - The conduct of the subject being confronted (as reasonably perceived by the officer at the time);

- The time available to an officer to make a decision;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,
- The environmental factors and/or other exigent circumstances.

C. **Handcuffs and Restraint Devices**

1. As a general policy, persons taken into custody will be handcuffed with their hands behind their back and the handcuffs will be double locked whenever possible. This policy is in place to ensure the safety of the officer, the general public and the detainee. Officers may, at their discretion and in certain circumstances, deviate from this general rule in order to accommodate persons with disabilities, the aged or infirm, or the very young.
2. Other restraint devices such as leg shackles or waist belts will be used when transporting subjects who may pose an increased risk to the officer(s) or the public, who may pose an increased risk of escape, or when transporting prisoners over long distances.
3. Using physical force against persons in handcuffs is prohibited except in emergencies in which a reasonable officer would believe that physical injury to himself, another person or persons, or the handcuffed person, is imminent or in cases where the handcuffed person is attempting to escape.

D. **Authorized Devices**

1. The Danbury Police Department authorizes the use of various devices to deliver physical force as well as deadly physical force. These devices include conducted electrical weapons made by TASER International, police batons and chemical sprays. All devices described in this policy will be used only after successful completion of a course in the proper use and carrying of the device. Authorized devices are listed in an appendix.
2. Other less-lethal devices may be authorized by the Department for specialized applications. When employing these less-lethal weapons, officers will make the decision to deploy the munition based on the "objective reasonableness" standard. This shall include a command level decision to employ devices against person(s) who fail to comply with lawful orders.
3. Authorized firearms are discussed in General Order 2510.
4. Pointing a firearm or TASER at an individual constitutes a use of force and shall be reported accordingly.
5. Non-resistant compliant handcuffing is not a reportable use of force.

E. **Civil Disorder**

When dealing with civil disorder situations where no arrest is possible and physical force is utilized, the Incident Commander or designee is responsible for the completion of the *Use of Force Report*. If an arrest is made, the officer who used the force is responsible for completing the Response to Resistance Form.

F. **Flashlights and Other Weapons of Opportunity**

1. Flashlights should not be used as weapons unless necessary to protect the officer or others and the officer cannot readily avail him or herself of a more effective weapon. As in the use of nightsticks, striking persons above the shoulders should be avoided unless necessary to prevent serious physical injury to the officer or others.
2. Nothing in this order shall prevent an officer from utilizing any reasonable means necessary to defend him or herself or a third person, in circumstances or situations where the actions of a subject constitutes resistance that meets the definition of deadly physical force.

G. **Injuries**

Immediately upon using force officers, and upon arrival a supervisor, shall inspect and observe subjects for injury or complaints of pain and provide necessary medical care. This may require an officer, within the scope of that officer's training, to provide emergency medical care until professional emergency medical providers are on scene.

Subjects exposed to OC spray will be provided the opportunity to wash upon arrival at Police Headquarters unless medical assistance has been previously rendered.

H. **Discharge of Firearms**

All personnel approved to carry a firearm may only utilize or discharge it under the following circumstances:

1. When conducting authorized ballistics tests.
2. When engaged in approved sporting activities or shooting exhibitions or competitions.
3. At an authorized target range for practice for training purposes.
4. To destroy an animal that represents a threat to public safety or as a humanitarian measure when a non-domesticated animal is seriously injured.
5. To defend himself or herself or a third person from the use or imminent use of deadly physical force.
6. To affect the arrest or prevent the escape from custody of a person whom he or she has probable cause to believe has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible, he or she has given warning of his or her intent to use deadly physical force.

I. **Members of the Department are not authorized to:**

1. Fire warning shots.
2. Draw or display a firearm unless there is a fear for their own personal safety or the safety of others. (Personal safety includes, but is not limited to, the search of a structure for a suspected felon).
 - a. The intent of this provision is to permit officers to protect themselves and others and to avoid the necessity of actually having to use a firearm when the threat of doing so might accomplish the lawful objective.
3. Use a firearm to arrest or prevent the flight of a person who has committed a misdemeanor or traffic violation.
4. Discharge their weapons at, from, or into a moving vehicle unless it is absolutely necessary to do so to protect against an imminent danger to the life of the officer or others. Discharging a weapon at, from, or into a moving vehicle is an extreme measure that should not be undertaken unless no other reasonable alternative

exists.

5. Intentionally place themselves in the path of an oncoming vehicle and attempt to disable said vehicle by discharging a firearm.
6. Officers shall not use a neck hold on a person except where lethal force is justified.

J. **Officer Surrendering Weapon**

Surrendering the weapon may mean giving away the officer's only chance for survival. An officer should use every tactical tool at his/her disposal to avoid surrendering the weapon. Experience has shown that the danger to an officer is not necessarily reduced by giving up the weapon upon demand.

K. **Use of Force Reporting Requirements**

Examples of Use of Force Levels	<i>Incident Report</i>	<i>Use of Force Report / K-9 Form</i>
Presence	No	No
Verbal Direction	No	No
Touching, Restraining, Escorting,	No	No
Joint Manipulation (armbar, wrist grab etc)	Yes	Yes
Take Downs	Yes	Yes
Punching, kicking	Yes	Yes
Intermediate Weapons (Baton, IPD, TASER, Police K-9), or the threat thereof against a specific person(s)	Yes	Yes
Deadly Force, or the threat thereof against a specific person(s)	Yes	Yes

L. **Reporting a Use of Force**

An officer using force that requires a *Use of Force Report* shall immediately notify their direct supervisor of that use of force. An officer observing an unreported use of force that meets the reporting requirement, or an unreported subject injury, shall likewise immediately notify their direct supervisor. Absent exigent circumstances, the direct supervisor of an officer using force shall respond to the scene and conduct an investigation into that use of force. If the supervisor is unable to respond to the scene, the supervisor will document the circumstances in writing on the *Use of Force Report*. In those cases, the supervisor is still responsible to review the use of force and determine, to the best of his or her ability, whether the use of force was within policy.

An officer using force shall completely and accurately describe the use of force and the

circumstances surrounding it. This shall be done in writing and shall be done before the end of the shift on which the force occurred. If exigent circumstances prevent the report from being filed before the end of the shift, that officer's supervisor must be made aware of the circumstances and advise the chain of command through the Department's email system. The decision to allow an officer to postpone the filing of the use of force report shall be made by a supervisor acting in the capacity of Shift Commander or higher, who will notify the Commanding Officer of the Professional Standards Division of his or her decision via the Department email system as soon as possible.

Failure to report a use of force or prisoner injury by a Danbury Police Officer shall subject officers to disciplinary action.

Supervisors are prohibited from reviewing or investigating a use of force in which they participated or directed. These incidents shall be investigated by a supervisor of the next higher rank.

The Danbury Police Department *Use of Force Report* (Revised form adopted January February 2016) will be used to document an officer's use of force and the supervisor's investigation and finding. This form will be in addition to any incident report documenting the call for service.

The supervisor's response to use of force incidents includes:

- an officer interview.
- a suspect interview which consists of:
 - Are you injured?
 - Where are you injured?
 - Do you need medical attention?
 - Photographs of the subject which include (if injury is reported):
 - the injury
 - a photo of the full front of the subject
 - a photo of the full back of the subject
 - The photographs are to be forwarded to the Dept. photo server
- Evidence collections
- Witness identification and statements

The supervisor shall complete their investigation into the use of force and document their findings on the *Use of Force Report* with 72 hours of learning of the use of force. A request for an exemption to the 72 hour rule shall be made as soon as possible to the Commanding Officer of the Professional Standards Division. These requests will be decided on a case-by-case basis by Commanding Officer of the Professional Standards Division, or in his absence by the Deputy Chief of Police.

Officers and supervisors will be held accountable for the use of force. Officers who use force outside the scope of Department policy may be subject to administrative action. Reviewing supervisors who repeatedly conduct deficient use of force investigations shall receive corrective action, which may include remedial training, and may be subject to additional administrative action.

The completed Use of Force Report is to be turned in to the Shift Commander for review.

and then forwarded to the Division Commander for review. The completed report shall be submitted to the Professional Standards Division. The original is to be filed with the Internal Affairs Unit and a copy will be sent to the Training Unit. These are administrative reports that are not to be attached to the police reports or sent to the Records Division.

M. **Analysis**

1. The Professional Standards Division will, maintain a database to track use of force data, and on a continual basis, review Response to Resistance Report Forms to ensure compliance with applicable Department policy, law and judicial standards. This review will also be used to evaluate the effectiveness of, as well as the need for, Department training and equipment.
2. The Professional Standards Division will conduct an annual review of the Department's response to resistance, product reliability, recommended training needs and/or policy modifications related to the use of force / response to resistance.

N. **Training**

1. Each member of the Department will be provided with a written and/or electronic copy of any and all policies pertaining to a police officer's response to resistance.
2. Each member of the Department will attend in-service training on use of force matters as required by the Police Officer Standards and Training Council (POSTC). Each member of the Department will receive training in the use of physical force and deadly physical force on an annual basis. Members of the Department will be evaluated on a regular basis through written examinations as well as scenario-based practical skills exercise. Members of the Department who fail to demonstrate their proficiency in these areas will be required to attend remedial training as determined by the Chief of Police or his designee in the Training Unit.
3. Members of the Department who have been identified as needing remedial training and who received said training, but cannot or will not demonstrate their proficiency in this area may be subject to disciplinary action by the Chief of Police.
4. All training given to members of the Department in regards to any aspect of a police use of force will be documented in the Danbury Police Department's Training Unit.

Patrick A. Ridenhour
Chief of Police

Appendix: Approved Weapons

- I. Firearms
See Firearms Policy, G.O. #2510
- II. TASER
The Taser conducted energy weapon models X26, X26P, X2, X3, and C2. The TASER model C2 may only be carried in special circumstances after specific authorization has been received from the Chief of Police or his designee, and the requesting officer shows proof of appropriate training.
- III. Police Canine
See Canine Policy, G.O. #10100
- IV. Baton
 - A. The approved Danbury Police Baton is the Monadnock 1 ¼" diameter, 26" long straight polycarbonate baton w/stop and thong, or a suitable wooden equivalent. Officers who currently own a polycarbonate or wood straight baton of at least 24" but no longer than 26" may continue to use it. All other officers must comply with this requirement upon being issued the Danbury Police Baton. The decision of whether a particular baton is acceptable under this policy shall be made by the Chief of Police or his designee.
 - B. Approved Personally-owned baton: An officer may, in addition to the baton listed above, purchase and use an expandable baton from this list:
 - 1. Monadnock
 - 2. ASP
 - C. Officers shall be authorized to carry an approved baton only after successful completion of a course of instruction provided or approved by the agency. The approved baton shall be carried and utilized only as authorized and no changes, alterations, modifications, or substitutions shall be made to the baton without the prior written approval of the Chief of Police or his designee, via memorandum.
- V. Individual Protective Device
 - A. An approved chemical agent, (I.P.D.) may be used whenever an Intermediate Force Option or higher level of force is authorized. The chemical agent's physiological effects and physical properties make its use more suitable in certain situations than other tools in this category. Proper use will aid in making an arrest with a minimum number of applications.
 - B. Officers authorized by the Department shall be permitted to carry a personally-purchased approved chemical agent IPD only after successful completion of a course of instruction provided or approved by the agency. The approved chemical agent shall be carried and/or utilized only as instructed. No changes, alterations, modifications, or substitutions shall be made to the chemical agent canister. Officers shall also replace their chemical agent canisters on or before the expiration date on the bottom of the canister or 5 years after the date of manufacture on the side of the can, whichever is sooner.
 - C. Approved IPD for individual officer use: Def-Tec Mark IV OC spray
 - D. The Department may issue other OC products for use and will provide training for members with these products.

DANBURY POLICE DEPARTMENT
Use of Force Report NEW V1 01/2015

Incident Case Number	Date of Report	Date of Incident	Time of Incident
Name of Subject	Sex	Race	Height Weight
Subject's Address			Hispanic <input type="checkbox"/> Yes <input type="checkbox"/> No
Location of Incident			
Officer Initiated? <input type="checkbox"/> Yes <input type="checkbox"/> No Officer Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Officer Flagged Down for Assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Location Environment <input type="checkbox"/> Subject's Residence <input type="checkbox"/> Indoors - Public Building (name) _____ <input type="checkbox"/> Other Residence <input type="checkbox"/> Indoors - Private Property (name) _____ <input type="checkbox"/> Outdoors - Public Area <input type="checkbox"/> Educational Facility (name) _____ <input type="checkbox"/> Outdoors - Private Property <input type="checkbox"/> Commercial Establishment (name) _____			
Name of Personnel Directly Involved			
Name	Court #	*Control Method(s) Utilized	
1.			
2.			
3.			
*Choose one or more that applies from the box below and fill the corresponding number in the column above. If more than one applies, place the numbers in a sequential order of the control method utilized.			
Control Method(s) Utilized <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;">1. Verbal Commands</div> <div style="width: 50%;">5. OC Spray</div> <div style="width: 50%;">9. EDW- Cartridge</div> <div style="width: 50%;">13. Impact Weapon/Baton</div> <div style="width: 50%;">2. Pressure Points/Control Holds</div> <div style="width: 50%;">6. Hand or Fist Strike</div> <div style="width: 50%;">10. EDW- Drive Stun</div> <div style="width: 50%;">14. Less Lethal Projectile</div> <div style="width: 50%;">3. Takedowns</div> <div style="width: 50%;">7. Elbow, Knee, Foot Strike</div> <div style="width: 50%;">11. EDW- Warning Arc</div> <div style="width: 50%;">15. Deadly Force/Firearm</div> <div style="width: 50%;">4. Chemical Munitions Deployed</div> <div style="width: 50%;">8. EDW- Laser Only</div> <div style="width: 50%;">12. K-9</div> <div style="width: 50%;">16. Other _____</div> </div>			
Name(s) of Personnel Present (Witness) but not involved (Include Court #)			
Name of Canine Handler and Canine (Include Court #)			
Name(s) and Address(es) of Witness(es)			
Officer's Arrival (Check all that apply) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Marked Vehicle <input type="checkbox"/> Unmarked Vehicle <input type="checkbox"/> Officer in Uniform <input type="checkbox"/> Officer not in Uniform </div> <div style="width: 50%;"> <input type="checkbox"/> Officer Identified Self How? _____ <input type="checkbox"/> Not Initial Officer on Scene <input type="checkbox"/> Other _____ </div> </div>			
Activity that Led to Incident (Check all that apply) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Crime in Progress <input type="checkbox"/> Domestic Disturbance <input type="checkbox"/> Disturbance (other) <input type="checkbox"/> Intoxicated Subject <input type="checkbox"/> Emotionally Disturbed Subject </div> <div style="width: 50%;"> <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Suspicious Person <input type="checkbox"/> Executing Warrant <input type="checkbox"/> Other _____ </div> </div>			

Officer's Initial Perception of Subject (Check all that apply)

- ☐ Non-aggressive
- ☐ Previous Hostility Toward Police
- ☐ Possibly Intoxicated
- ☐ Emotionally Disturbed
- ☐ Actively Aggressive (Verbal)
- ☐ Actively Aggressive (Physical)
- ☐ Armed with _____
- ☐ Other _____

Subject Resistance Resulting in Application of Force (Check all that apply)

- ☐ Threat/Hostile
- ☐ Dead Weight/Non-compliant
- ☐ Fighting Stance/Combative
- ☐ Threaten Use of Weapon
- ☐ Fleeing
- ☐ Unarmed Assault
- ☐ Armed Assault with _____
- ☐ Armed with Stick/Club
- ☐ Armed with Cutting Instrument
- ☐ Armed with Firearm
- ☐ Suicidal
- ☐ Other _____

Warning Provided to Subject? ☐ Yes ☐ No If Yes, Explain _____

Impact Weapon/Baton ☐ Not Applicable
Type _____ Number of Strikes _____

OC Spray ☐ Not Applicable
Subject Permitted to Wash after Transport? ☐ Yes ☐ No
Medical Treatment Required for OC Spray? ☐ Yes ☐ No
Was OC Spray Effective? ☐ Yes ☐ No
Number of OC Spray Applications _____

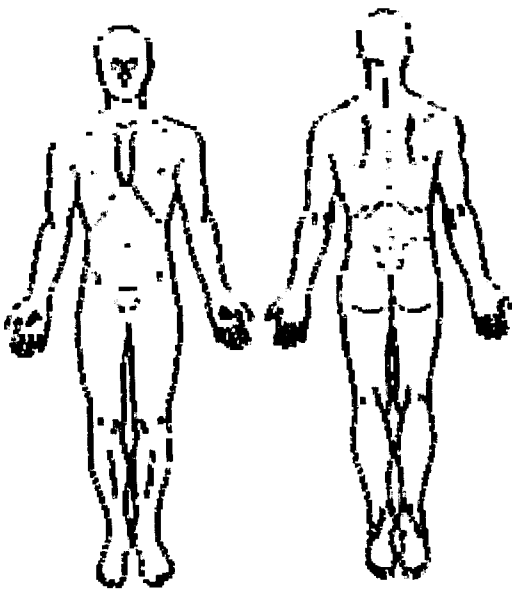
Discharge of Firearm ☐ Not Applicable
Weapon ☐ Handgun ☐ Shotgun ☐ Rifle
Subject ☐ Person ☐ Animal
Result ☐ Death ☐ Injury ☐ Missed

Impact Munition ☐ Not Applicable
Type _____ Rounds Hit _____
Rounds Fired _____ Effective? ☐ Yes ☐ No

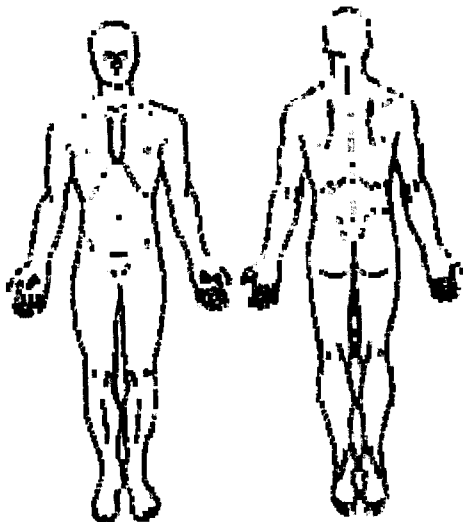
Chemical Munition ☐ Not Applicable
Type _____ Rounds Hit _____
Rounds Fired _____ Effective? ☐ Yes ☐ No

TASER ☐ Not Applicable
Deployment Type
☐ Laser Only ☐ Warning Arc ☐ Cartridge ☐ Drive Stun
Serial # on TASER(s) Deployed _____
Serial # on Cartridge(s) Deployed _____
Type of Cartridge _____
#, Length of Displays or Arcs _____
#, Length of Drive-Stun Applications _____
#, Length of Activations After Probe Contact _____
If Multiple Applications, Time Elapsed Between Activations _____
If Cartridges Missed, Where Did They Impact? _____
Type of Force Used Prior to TASER, If Any _____
Type of Force Used After TASER, If Any _____
Was Deadly Force Justified? ☐ Yes ☐ No
TASER Downloaded By _____

Mark Contact Points on Diagram



Mark Contact Points on Diagram



Injuries (Check all that apply)		Checked by Medical?	
Officer	Subject	Officer	Subject
<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Bruises	<input type="checkbox"/> Bruises	<input type="checkbox"/> Refusal	<input type="checkbox"/> Refusal
<input type="checkbox"/> Abrasions	<input type="checkbox"/> Abrasions	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A
<input type="checkbox"/> Blunt Trauma	<input type="checkbox"/> Blunt Trauma	Transported to Hospital?	
<input type="checkbox"/> Lost Consciousness	<input type="checkbox"/> Lost Consciousness	Officer	Hospital: Danbury Other _____
<input type="checkbox"/> Breathing Difficulty	<input type="checkbox"/> Breathing Difficulty	<input type="checkbox"/> Yes	
<input type="checkbox"/> Gunshot	<input type="checkbox"/> Gunshot	Subject	Hospital: Danbury Other _____
<input type="checkbox"/> Death	<input type="checkbox"/> Death	<input type="checkbox"/> Yes	
<input type="checkbox"/> Probe Puncture Only	<input type="checkbox"/> Probe Puncture Only	Supervisor Notified?	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No Time _____
_____	_____	At Scene?	
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Reporting Officer Name: _____			
Signature _____		Court # _____	Date _____
Patrol / First Line Supervisor			
<input type="checkbox"/> I find this use of force by this officer to be justified and within policy			
<input type="checkbox"/> I find this use of force by this officer to be outside of policy, but justified			
<input type="checkbox"/> I find this use of force by this officer to be outside of policy			
Comments Supporting Findings (mandatory) _____			

Supervisor Name: _____			
Signature _____		Court # _____	Date _____
Shift Commander or Equivalent			
<input type="checkbox"/> I concur with the finding above			
<input type="checkbox"/> I DO NOT concur with the finding above (Explain Below)			
Comments			

Supervisor Name: _____			
Signature _____		Court # _____	Date _____

DANBURY POLICE DEPARTMENT

DPD General Order #2520		Subject: Rapid Deployment to Active Shooter Incidents	
Original Date of Issue:	Amends & Rescinds:	Effective Date:	Next Review Date:
09/24/2010	Reviewed – No Changes 11/14/2017	11/14/2017	11/14/2018

I. PURPOSE

The goal of police intervention in active shooter incidents is to use reasonable methods to neutralize the threat(s). This may be accomplished by preventing access to potential victims, rescuing injured persons and/or the physical movement of police personnel to the shooter(s) location.

II. DEFINITIONS

- A. **Active Shooter:** An active shooter is an armed person who has used deadly physical force on other persons and continues to do so while having unrestricted access to additional victims.
- B. **Rapid Deployment Tactics:** The swift and immediate deployment of law enforcement personnel and resources to an ongoing, life threatening situation where delayed deployment could otherwise result in additional death or serious physical injury to innocent persons. Rapid Deployment Tactics are not a substitute for conventional response tactics to a barricaded gunman or hostage situation.

III. POLICY

It is the policy of the Danbury Police Department to give initial responding members of the Department the authority and responsibility to take immediate action to neutralize active shooter incidents.

IV. PROCEDURE

- A. It is not unusual for a tactical team to arrive at the scene of an incident and find that patrol personnel have contained the situation within a secure perimeter. Once the incident has been isolated, patrol and/or tactical personnel are able to formulate a structured and deliberate plan.
- B. However, there are scenarios that require immediate action and the rapid deployment of patrol personnel prior to the arrival of the tactical team. In these cases, delayed deployment could have catastrophic consequences. These scenarios often involve a "shots fired" or "downed officer/citizen rescue" and have come to be known as "active shooter" incidents. In these situations, suspect(s) generally shoot at people without warning. These situations require the initial police responders arriving on the scene to have the authority and the capability to take action without waiting for command staff or for the arrival of specialty units such as SWAT or Crisis Negotiators.
- C. The following seven (7) tenets set general response guidelines for active shooter incidents. These incidents are sufficiently unique such that their effective handling cannot be totally reduced to procedures. These procedures are not meant to limit conventional police tactics which are appropriate to a crisis situation.

1. Priority of Life:

- a. Victim-Hostages – First. The Department recognizes that their lives are, without question, in peril.
- b. Innocent Bystanders – Second. The safety of innocent bystanders and citizens in the area is second only to victim-hostages.
- c. Police Officers – Third. In order to adequately protect the citizens they are sworn to protect, officer's lives may be placed in jeopardy.
- d. Suspect – Fourth. Fourth does not mean that officers of this Department will attempt to resolve the situation without regard to the suspect's life. It does mean that if an opportunity develops to resolve the incident with tactics, that decision will be made based on this priority list.

2. Assume Tactical Responsibility:

One initial officer must take charge of the active shooter incident. Assumption of tactical responsibility may be based on rank, expertise or seniority. However, it must be made immediately clear to both the Police Communications Center and other officers who are in charge. Any change in incident command will be made known to Dispatch and other officers.

3. Situational Analysis:

The officer taking charge must, based on all information available, perform a situational analysis. The analysis will be continuous, taking into account new information from Dispatch and observations from officers and citizens. The analysis must lead to a decision as to whether the situation is an active shooter event, whether an opportunity exists for immediate intervention leading to accomplishment of the goal stated above.

4. Incident Command:

No action will be taken that is unplanned or without controls. The first officer arriving on scene will initiate incident command. He/she will initiate the situation analysis and determine initial deployment of responding resources. Whenever possible, at least one person possessing all available information on tactical plans will remain at the command post to brief arriving personnel. Command personnel should not direct ongoing intervention efforts until on scene, briefed and in command.

5. First Responder Tactical Intervention:

When responding to active shooter incidents, the Danbury Police Department endorses the concept of first responder tactical intervention. The traditional uniform responses of contain, isolate, evacuate, and wait for SWAT and Crisis Negotiators may not be adequate in an active shooter incident. The first officer on the scene will need to consider the following:

a. Rescue/Contact Team:

First responder intervention will be based on opportunity. Rescue teams will ideally be in the form of officers with an identified element leader. Individual action is generally less effective than a coordinated team approach, but there may be situations when even a single officer must act to save lives.

b. Containment:

Dedicated security elements should, whenever possible, be a component of intervention teams.

6. Active Shooter Site Security:

No location associated with an active shooter will be considered secure until the DPD Incident Commander declares it so.

7. Special Weapons and Tactics (SWAT):

When SWAT units are deployed, patrol officers may be relieved or redeployed by SWAT personnel.

V. TRAINING

- A. The Danbury Police Department will develop tactics to deal with the active shooter incidents and will provide appropriate training to personnel of all ranks. These tactics will be developed under the following guidelines:
 - 1. Personnel will be trained to conduct an immediate assessment of a situation.
 - 2. Tactics will conform to, and capitalize upon, existing skills.
 - 3. Tactics and training will be basic and flexible.
- B. All sworn personnel will attend active shooter training.

Patrick A. Ridenhour
Chief of Police

DANBURY POLICE DEPARTMENT

DPD General Order #2550		Subject: USE OF TASER – Conducted Electrical Weapon	
Original Date of Issue:	Amends & Rescinds:	Effective Date:	Next Review Date:
03/19/2009	Reviewed – No Changes 11/14/2017	11/14/2017	11/14/2018

I. PURPOSE

To establish Department policy governing the use of Conducted Electrical Weapons (CEW), also know by the brand name TASER, by sworn members of the Danbury Police Department and to ensure compliance with applicable State statute(s) and regulations adopted by the Police Officer Standards and Training Council.

II. DPD PHILOSOPHY ON THE USE OF THE TASER

- A. The use of the TASER Conducted Electrical Weapon by Danbury Police Officers – as with all applications of force - is governed by federal law, state law and Department policy. As with all uses of force, the use of TASERs shall be “objectively reasonable”, as defined by the US Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation, and not by the “20/20 vision of hindsight.” The calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Factors relevant to the determination of reasonableness include the severity of the crime that the officer believed the suspect to have committed or be committing, whether the suspect presented an immediate threat to the safety of officers or the public, and whether the suspect actively resisted arrest or attempted to escape, along with any other fact or circumstance which reasonably bears upon the decision to use force.
- B. It is not possible to specify in advance all the various scenarios under which TASERs are likely to be deployed, but it is possible to identify the *types of situations* for which TASERs are intended, as well as those for which they are not. TASERs are intended to provide officers with a force option that may be appropriately used, when necessary, to confront any of the following circumstances:
 1. To overcome a subject’s physical resistance, and/or assaultive behavior (including threatening to commit an assault), or
 2. To control, disable, or subdue persons intent on harming themselves or others, or
 3. To provide self-defense.
- C. TASERs are not a substitute for deadly physical force.
- D. Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

III. **DEFINITIONS**

- A. **CERTIFIED TASER OFFICER (CTO)** – An officer who successfully completes the basic TASER certification course, and who maintains his/her certification by attending sustainment level training as directed by the Department.
- B. **PREFERRED TARGET ZONE** – refers to areas of the body that TASER International's suggests that officers target to maximize the weapon's effectiveness and minimize the risk of injury to the subject. Specifically, the preferred target zones are the arms and lower center of mass downward on the front of the body, and anywhere below the neck on the back of the body. The Danbury Police Department endorses these target zones as the primary targeting areas of the body, unless specific circumstances dictate otherwise.
- C. **DRIVE-STUN** – The application of the TASER by direct contact between the TASER itself and the subject, without the firing of a TASER cartridge.
- D. **DRIVE-STUN FOLLOW-UP** – The application of the TASER by direct contact between the TASER itself and the subject, after the firing of a TASER cartridge into at the subject.
- E. **QUALIFIED MEDICAL PERSONNEL** Qualified medical personnel include medical professionals including medical doctors, licensed nurses, EMS first responders, or police officers certified in the deployment of a CEW and currently certified at no less than the Emergency Medical Responder (EMR) level (formerly known as Medical Response Technician (MRT)).
- F. **CONDUCTED ELECTRICAL WEAPON:** The CEW is a less than lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
- G. **PHYSICAL FORCE:** Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
- H. **LESS-THAN-LETHAL FORCE:** A use of force which is not likely to cause death or serious physical injury.
- I. **ACTIVE RESISTANCE:** Any physical act, or failure to act, undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.
- J. **PASSIVE RESISTANCE:** The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.
- K. **DEPLOYMENT:** Does not include the mere removal of the CEW from the holster, but does include any use of a CEW against any person, including the illumination of the laser sight onto an individual. Pointing a CEW at a person, or holding it in manner in which it is visible to a subject while giving verbal commands shall be considered a deployment.

IV. **RESPONSIBILITY FOR THE TASER PROGRAM**

The Chief of Police will identify a TASER Program Coordinator (TPC) to administer the program. The TASER Program Coordinator will ensure proper training is provided, that TASER weapons and supplies are accounted for, and TASER usage is properly documented. The TPC will be a certified TASER Instructor. The TPC shall be responsible, insofar as TASER-related matters are concerned, to the Commanding Officer of the Professional Standards Division.

V. POLICY

- A. It shall be the policy of the Danbury Police Department that all officers will only use objectively reasonable force to accomplish lawful objectives.
- B. It shall be the policy of the Danbury Police Department that when a subject is injured through any deployment of a CEW, the officer shall offer the injured person medical assistance
- C. It shall be the policy of Danbury Police Department that following any deployment of a CEW, a written *Use of Force Report* will be generated and filed to accommodate CEW deployment tracking. Reports must be completed in their entirety and specifically describe the justification for the use of force, including events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event.
- D. It shall be the policy of the Danbury Police Department that all written reports generated regarding the deployment of a CEW be promptly reviewed by a supervisor to determine that the deployment of the CEW was appropriate. Should a determination be made by the supervisor that the deployment of the CEW was questionable or inappropriate, the matter shall be immediately referred for further review per Department policy. The supervisor's findings regarding the deployment of the CEW shall be documented in the *Use of Force Report*.
- E. It shall be the policy of the Danbury Police Department that all sworn persons have access to the Departmental CEW policy and receive training as to its content prior to obtaining authorization to carry a CEW. CEW's may only be deployed by sworn personnel who have satisfactorily completed this agency's approved training.
- F. Beginning January 1, 2016, it shall be the policy of the Danbury Police Department to complete the *POSTC EDW/CEW Annual Report Form* as required by statute. Said Report Form is to be submitted to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy and Management no later than January 15th covering the preceding calendar year. The report is required for any department having deployed a CEW against any individual within the calendar year as well as any department authorizing the deployment of a CEW but not having any deployments within that calendar year.
- G. It shall be the policy of the Danbury Police Department to conduct an annual review of all CEW deployments in the field in order to evaluate policy compliance.

VI. TASER TRAINING

- A. TASER training will be mandatory for all sworn members of the Department. This may be "familiarization" training or training as a Certified TASER Officer (CTO). Additionally, the TPC will work with outside agencies such as the Fire Department, ambulance providers and Emergency Room personnel to provide training to their staff in order to familiarize them with the TASER, its use, and the care of persons subject to it.
- B. TASER Training will be conducted only by certified TASER Instructors, utilizing the latest training protocols issued by TASER International of Scottsdale, AZ. Training will be in accordance with standards issued by TASER International, so long as they do not conflict with Department policy, or local, state, or federal statutes.
- C. Initial TASER training will consist of a Department approved TASER lesson plan as well as instruction on TASER usage reporting and Department use of force policies.
- D. Officers who successfully complete this training will be deemed a "Certified TASER Officer (CTO)" and may carry and deploy the TASER in the course of his/her duties.

- E. Sustainment level training will be conducted annually, in accordance with Department policy and TASER International protocols.
- F. An officer's authorization to carry and deploy the TASER may be suspended for just cause by the Chief of Police.

VII. CARRYING THE TASER

- A. The device shall be carried in an approved holster on the side of the body opposite the service handgun if it is to be worn in a waist holster or a thigh holster. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training and the requirement as set out in this paragraph.
- B. The device shall be carried in accordance with manufacturer's recommendations and Department training. The CEW shall be pointed in a safe direction during loading, unloading, or when handled in other than an operational deployment.
- C. Officers authorized to deploy the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements. The spare cartridge will be carried along with the CEW whenever possible.
- D. A Certified TASER Officer shall carry his/her TASER whenever on-duty and in uniform while assigned to patrol or enforcement duties, or a uniformed private duty assignment. Officers assigned to "road jobs" are not required to carry their TASERs, but are required to carry an intermediate force option. Uniformed Headquarters and plainclothes personnel are not required to carry a TASER.
- E. An officer carrying a TASER on a private duty assignment shall be governed by the same policies and procedures as any on-duty officer.

VIII. TASER DEPLOYMENT

- A. As soon as reasonably possible, a supervisor should be requested to respond to the scene of a potential or completed CEW deployment.
- B. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when deploying a CEW against persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, the infirm, or those in obvious ill health.
- C. Upon discharging the device, the officer shall energize the subject no longer than necessary to accomplish the legitimate operational objective.
- D. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the CEW should be independently justifiable. Officers should only deploy the CEW to the extent necessary to gain control of the subject.
- E. Whenever possible, prior to a CEW deployment, a loud, clear warning of a CEW deployment should be made. When aiming the CEW at a subject, officers should adhere to the manufacturer's preferred target zones whenever reasonably possible. Officers

should take into consideration the capabilities and limitations of the CEW whenever employing it at close quarters.

- F. A CEW should be aimed by use of the aiming laser(s) when possible. Fixed sights shall be used when the laser sight(s) are ineffective or as a secondary aiming tool.
- G. The device may also be deployed in certain circumstances in a "drive stun" mode. Deployment of the CEW in drive stun mode, from a policy perspective, is no different than a cartridge deployment. When applying the CEW to a subject, the CEW should be applied in the probe mode whenever possible as it has been shown that this method is more effective and less likely to cause injury than the drive-stun mode. Drive-stuns are a valid technique for increasing the effectiveness of a probe use but should not generally be used as the only method of application.
- H. Officers should not intentionally activate more than one CEW at a time against a subject.
- I. The CEW is not a substitute for deadly physical force.
The CEW should not be deployed:
 - 1. In a punitive or coercive manner;
 - 2. On any subject demonstrating only passive resistance.
 - 3. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane);
 - 4. Where it is likely that the subject may drown or fall from an elevated area.

IX. MEDICAL ATTENTION:

- A. As in any use of force situation, officers are responsible for ensuring that appropriate medical attention is given to a subject who has been exposed to the CEW. A subject who has been exposed to a CEW shall be evaluated by qualified medical personnel. This may be at the scene of the incident, at a treatment facility or at the booking facility. The Department must also be cognizant of any medical regulations or guidelines regarding CEW's asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the CEW is deployed.
- B. Police officers shall not remove probes which have implanted anywhere on a subject's body unless authorized to do so by competent medical authority or the officer has been certified to do so by a POSTC certified instructor.
- C. The following persons shall be transported to a hospital for examination following exposure to a CEW. Any person who:
 - 1. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
 - 2. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
 - 3. Does not appear to recover properly after being energized;
 - 4. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
 - 5. Has had more than one CEW effectively used against him or her in any given incident;
 - 6. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
 - 7. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
 - 8. Exhibits bizarre or violent behavior, including self-mutilation;
 - 9. Is naked in a public place or exhibits signs of overheating;

10. Evidences slurring or slowness of speech:
 11. Subject claims to have been injured or in medical distress.
- D. Whenever possible, any marks caused by either a Drive-Stun application or from probes impacting the skin shall be photographed, either on the Imageware system in the booking room or by portable camera.

X. REVIEW

Certified TASER officers will make their TASERs available for inspection at any time upon the request of the Chief of Police, his designee, or the Commanding Officer of the Professional Standards Division.

XI. REPORTING

Consistent with the recommendations of the Police Officer Standards & Training Council (POSTC), the Danbury Police Department will report each and every Conducted Electrical Weapon deployment, individually, to the Office of Policy Management (OPM). The report to OPM will be made on the forms presented by the OPM. The Internal Affairs Unit shall make such reports as soon as possible, but no later than 30 days after each deployment.

Patrick A. Ridenhour
Chief of Police